REMARKS

By the paper mailed April 12, 2005, the Examiner objected to Claim 6 because of certain informalities. Claim 6 has been amended and as amended is believed to be free of informalities. Applicant's attorney wishes to take this opportunity to thank the Examiner for his kind assistance in pointing out this informality.

Claims 1 and 4 through 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Bank of Elmwood advertisement in view of LaVanway and Woods. By this amendment, Claims 1 through 5 have been cancelled.

Claims 2, 3 and 6 through 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over "Elmwood" in view of LaVanway '578 and Woods '570, and further in view of Learnard '866. Claims 2 and 3 have been cancelled and Claims 6 and 9 have been amended. For reasons presently to be discussed, Claims 6 and 9 as amended are believed clearly distinguishable from and patentable over the references of record.

Referring to the references relied upon by the Examiner, the Bank of Elmwood advertisement is very broad, quite brief and of limited pertinence. More specifically, this reference is believed pertinent only insofar as it provides that "the

child is entitled to use a special teller window just for Woody Savers..." and that the child is entitled to receive a passbook. The Elmwood advertisement says nothing about the nature of the children's teller window and nowhere describes or suggests a teller window that includes a lowered counter or illustrated side panels as now specifically required by amended Claim 6.

The patent to LaVanway concerns an apparatus for use with a dispatching system having visual and audible signals. The Examiner apparently relies upon LaVanway as teaching that the banking institution may have a plurality of teller windows. However, LaVanway is totally silent with respect to any of the teller windows being specially designed as children's windows having illustrated side panels and lowered counters that are accessible to the child. In point of fact, the thrust of the LaVanway patent concerns an apparatus for use in a system for controlling traffic in a business establishment, and more particularly, an apparatus for a system directing customers from a single waiting area to one of a plurality of customer service stations as those stations become free. Clearly LaVanway neither discloses nor suggests methods and apparatus for teaching banking procedures to children.

The patent to Woods is directed to an educational banking apparatus comprising a compartment for storing money that may be in the form of a piggy

bank. Like LaVanway, Woods neither discloses nor suggests a specially designed children's teller window as required by amended Claim 6.

The patent to Learnard relates to display stands and more particularly to display stands for displaying articles such as pamphlets, advertising brochures, road maps, paperback books and the like. While Learnard notes that banks and similar businesses generally display various advertising brochures and literature explaining bank services, Learnard is totally silent on any type of literature dealing with teaching banking procedures to children which comprises an important aspect of Applicant's invention as defined in the amended claims.

By way of summary, Claim 6 as amended, now includes the limitation that the children's window include a lowered counter and that each of the children's windows include side panels provided with illustrations attractive to children. As previously mentioned, Claim 6 has also been amended to correct the informality noted by the Examiner.

Claim 9 has been amended to more specifically define Applicant's invention and, as amended, Claim 9 includes the limitations of Claims 10 and 11. Claim 9 as amended is believed clearly distinguishable from and patentable over the references of record.

REMARKS continued

It is respectfully submitted that in this instance the Examiner is taking a broadly worded bank advertisement and three separate prior art patents, each of which describes a dissimilar construction, and in accordance with the knowledge which he has gained from the reading of the present application is attempting to combine the disclosures in a manner which is rendered obvious only in light of Applicant's disclosure.

It is of course fundamental that invention must be considered in the light of the present state of the art and must be determined in the absence of applicant's invention.

It is well settled that a combination is not shown by referring to one patent for a portion of the combination and to a second for another portion of the combination and by a mental process building up a theoretical combination which in fact has never existed. This long settled law has been accepted by the Court of Appeals for the Federal Circuit and broadened to make it clear that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention unless it was some teaching, suggestion or incentive in this prior art which would have made such a combination appropriate. (ACS Hospital System, 221 U.S.P.Q. at 933.)

REMARKS continued

It is respectfully submitted that in this instance the prior art referred to by the Examiner does not include the teachings, suggestions, and incentives which would have made the combination suggested by the Examiner appropriate.

For the foregoing reasons, the application as amended is believed in condition for allowance and such favorable action is respectfully requested.

The Application as amended is now believed to be in condition for allowance and such favorable action is respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in the envelope addressed to Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on August 8, 2005

James E. Brunton, Esquire, Registration No. 24,321 8/8/05

JB:ctr
Enclosures